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April 8, 2022

VIA ECF

Honorable Vera M. Scanlon, U.S.M.J.
United States Courthouse
225 East Cadman Plaza
Brooklyn, New York 11201

RE: Elky Ogorek-Wilner, et al. v. Red Clay Norse, LLC, et al.
CV-20-1259 (ARR) (VMS)

Dear Judge Scanlon:

We represent relief defendant Shira Levine and respectfully submit this letter with respect to that portion of plaintiff counsel's April 7, 2022 letter stating that plaintiff intends "to submit requests for default judgments on the issue of liability against defendants Seth Levine and Shira Levine, to be followed by an inquest to assess damages." [DE 91]

Plaintiff's amended complaint, like its earlier complaint, identifies Shira Levine as a "relief defendant" only. [DE 75.] The amended complaint does not contain any claims or demands for relief against Ms. Levine. Indeed, the amended complaint's prayer for relief demands judgment on the first claim (for fraud and deceit) against defendants Red Clay Norse, LLC and Seth Levine only, on the second claim (for malpractice and negligence) against defendant Andrew Selevan only, and on the third and final claim (for an accounting) against defendants Red Clay Norse, LLC and Seth Levine only. [DE 75 at p. 8.] No relief is demanded against Ms. Levine.

We previously filed a notice of appearance on Ms. Levine's behalf. [DE 83.] We did not file any answer on her behalf because plaintiff's amended complaint did not state any claims, or demand any relief, against her. No request to enter her default has been filed, and no default against her has been entered.

For those reasons, we object to any default proceedings against Ms. Levine. We thank the Court for considering this submission.

Respectfully,

/s/ John J. Roberts

cc: All Counsel (via ECF)